

MINUTES - CITY OF BEAUMONT

W.L. Pate, Jr., At-Large
Dr. Alan B. Coleman, Mayor Pro Tem
Audwin Samuel, Ward III
Tyrone E. Cooper, City Attorney

BECKY AMES, MAYOR
CITY COUNCIL MEETING
November 12, 2014
Kyle Hayes, City Manager

Gethrel Wright, At-Large
Michael D. Getz, Ward II
Jamie Smith, Ward IV
Tina Broussard, City Clerk

The City Council of the City of Beaumont, Texas, met in a regular session on **November 12, 2014**, at the City Hall Council Chambers, 801 Main Street, Beaumont, Texas, at 1:30 p.m. to consider the following:

OPENING

- * Invocation Pledge of Allegiance Roll Call
- * Presentations and Recognition
- * Public Comment: Persons may speak on scheduled agenda items 1-6/Consent Agenda
- * Consent Agenda

Mayor Ames called the council meeting to order at 1:30 p.m.

Pastor Karen S. Dorris with First United Methodist Church gave the invocation. Mayor Ames led the Pledge of Allegiance. Roll call was made by Tina Broussard, City Clerk.

Present at the meeting were Mayor Ames, Mayor Pro Tem Coleman, Councilmembers Getz, Pate, Samuel and Smith. Absent: Councilmember Wright. Also present were Kyle Hayes, City Manager; Tyrone Cooper, City Attorney; Tina Broussard, City Clerk.

Proclamations, Presentations, Recognitions

None

Public Comment: Persons may speak on scheduled agenda items 1-6/Consent Agenda.

None

CONSENT AGENDA

- * Approval of minutes - October 28, 2014
- * Confirmation of committee appointments - **None**
- A) Approve the purchase of a new single-ply roof system from LiquaTech Waterproofing/Roofing/Sheetmetal for the Fire Department Administration/Museum Facility located at 400 Walnut Street – **Resolution 14 - 237**
- B) Approve a sixty month lease for photocopiers from Ricoh USA, Inc. of Beaumont for use in various departments – **Resolution 14 – 238**

- C) Approve the purchase of aqua ammonia from Southern Ionics, Corp. for use in the Water Department – **Resolution 14 - 239**
- D) Approve a contract with Insituform Technologies, LLC, of Cypress for work related to the Karen Lane Sanitary Sewer Rehabilitation II Project – **Resolution 14 - 240**
- E) Authorize the Mayor to execute an agreement with the Texas Department of Transportation regarding funding for the replacement of the Laurel Avenue Bridge – **Resolution 14 - 241**
- F) Authorize the acceptance of a ten foot wide Exclusive Water Line Easement located at 4104 Dowlen Road – **Resolution 14 - 242**

Councilmember Samuel moved to approve the Consent Agenda. Councilmember Pate seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM COLEMAN, COUNCILMEMBERS GETZ, PATE, SAMUEL AND SMITH

NAYS: NONE

MOTION PASSED

GENERAL BUSINESS

1. Consider amending various sections of Chapter 14 of the Code of Ordinance related to facility rental rates within the Event Facilities Department.

In a work session held on October 28, 2014, the City Manager discussed the adoption of a revised Event Facilities Use Rate Schedule. The proposed changes will clarify and streamline facility usage as it relates to rental times, fees, and set-up requirements, in addition to creating consistent and user-friendly language throughout the ordinance.

Approval of ordinance.

Councilmember Pate moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE AMENDING CHAPTER 14, ARTICLE 14.05, SECTION 14.05.001; REPEALING SECTION 14.05.002 AND ADOPTING A NEW SECTION 14.05.002; AMENDING SECTION 14.05.003; REPEALING SECTION 14.053004; AMENDING SECTIONS 14.05.005 AND 14.05.006; REPEALING SECTION 14.05.007; AMENDING SECTIONS 14.05.008, 14.05.009, 14.05.010 AND 14.05.011; REPEALING SECTION 14.05.12; AND AMENDING SECTION 14.05.13 OF THE CODE OF ORDINANCES OF BEAUMONT, TEXAS REVISING EVENT FACILITIES FEE RATES AND FACILITY USAGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING A PENALTY.** Councilmember Getz seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM COLEMAN, COUNCILMEMBERS GETZ, PATE, SAMUEL AND SMITH

NAYS: NONE

MOTION PASSED

Ordinance 14 - 059

2. Consider adopting changes to the Alcoholic Beverage Ordinance.

In a work session held on August 26, 2014 the City Attorney's office discussed the adoption of a revised Alcoholic Beverage ordinance. The proposed changes will streamline the current process and give greater enforcement authority to City agencies.

After the work session, the ordinance was revised to address concerns raised by the Council. The suggested fee for replacement permits is consistent with the fees imposed for same or similar City services. The recommendation to include a process that allows for an appeal of a denial is also a standard procedure in other licensing/permitting ordinances, and would offer congruity among these types of ordinances. Additional changes include, specific instructions on the placement of permits, late penalties for untimely renewals, and expanded inspection authority. Under the previous ordinance authority was limited to the Public Health Director; under the revised ordinance all city code enforcement officials will have the authority to inspect premises regulated under this ordinance. The modified ordinance also imposes criminal penalties for non-compliance.

This ordinance is enabled by the Texas Alcoholic Beverage Code and meets the state's standards.

Approval of ordinance.

Mayor Pro Tem Coleman moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE AMENDING CHAPTER 6 BY REPEALING ARTICLE 6.03 AND ADOPTING A NEW CHAPTER 6, ARTICLE 6.03 OF THE CODE OF ORDINANCES OF BEAUMONT, TEXAS ADDRESSING THE SALE OF ALCOHOLIC BEVERAGES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING A PENALTY.** Councilmember Smith seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM COLEMAN, COUNCILMEMBERS GETZ, PATE, SAMUEL AND SMITH

NAYS: NONE

MOTION PASSED

Ordinance 14 - 060

3. Consider amending various sections of Chapter 10 of the Code of Ordinances related to food establishments and mobile food units.

In a work session held on October 21, 2014, the health director discussed the adoption of a revised food establishment and mobile food unit ordinance. The proposed changes will clarify and streamline the current process for proper handling, storage, and preparation of food to ensure safety of the consumer.

The revised changes include: the requirement of more than one certified food manager at each food establishment; completing the certified food manager course prior to opening a food establishment; repealing the 72 hour, twice monthly restriction for mobile food unit operations; outlining guidelines for the mobile food unit's central preparation facility; emptying wastewater within 24 hours or as necessary. Additionally, all mobile food units must return to the commissary for cleaning and storage at the end of each day, or unit must be stored in a secured storage facility after cleaning.

During the work session, council recommended that restroom accessibility be set at a distance of 500 feet.

The ordinance would allow health inspectors to issue a citation to the central preparation facility for non-compliance.

Approval of ordinance.

Councilmember Samuel moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE AMENDING CHAPTER 10, ARTICLE 10.02, SECTION 10.02.001, SUBSECTIONS 229.163(A), 229.163(B)(2), 229.169(A)(1)(B), 229.169(A)(1)(D), 229.169(B), 229.169(C)(1)H, 229.169(C)(1)(I), 229.169(C)(1)(K) AND REPEALING 229.169(A)(1)(D) OF THE CODE OF ORDINANCES OF BEAUMONT, TEXAS, TO MAKE CHANGES AND ADDITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING A PENALTY.** Councilmember Smith seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM COLEMAN, COUNCILMEMBERS GETZ, PATE, SAMUEL AND SMITH

NAYS: NONE

MOTION PASSED

Ordinance 14 - 061

4. Consider adopting an ordinance establishing various fees and charges for the Municipal Tennis Center.

At a work session on September 9, 2014, City Council reviewed and discussed proposed fees and charges for the Municipal Tennis Center.

A copy of the proposed fees and charges is attached for your review. If approved, the new fees and charges would be effective January 1, 2015.

Approval of ordinance.

Councilmember Getz moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE AMENDING CHAPTER 14, ARTICLE 14.04 BY ADOPTING A NEW SECTION 14.04.013 OF THE CODE OF ORDINANCES OF BEAUMONT, TEXAS; PROVIDING FOR BEAUMONT MUNICIPAL TENNIS CENTER FEES AND CHARGES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR REPEAL.** Mayor Pro Tem Coleman seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM COLEMAN, COUNCILMEMBERS GETZ, PATE, SAMUEL AND SMITH

NAYS: NONE

MOTION PASSED

Ordinance 14 - 062

5. Consider a resolution approving the purchase of in-car video equipment and software from WatchGuard Video for use by the Police Department.

Pricing was obtained through the State of Texas Department of Information (DIR). DIR provides cities and political subdivisions with the means to purchase information technology at volume prices contracted under the procurement statutes of the State of Texas.

The Police Department currently uses the Coban Technologies in-car video system to capture and retain video and audio recordings of police incidents for both the patrol units and the motorcycles. The current solution is no longer supported by the vendor, therefore it must be replaced. The new system will provide better quality audio and video for police records retention as well as a more user friendly system and additional cameras to cover the rear of the vehicle.

WatchGuard Video as well as multiple other vendors have been reviewed.

WatchGuard Video has been found to be the best option to fit our needs.

One (1) year of software maintenance and support is included in the purchase.

Capital Reserve and Confiscated Goods.

Approval of resolution.

Councilmember Getz moved to **APPROVE A RESOLUTION THAT THE CITY COUNCIL HEREBY APPROVES THE PURCHASE OF IN-CAR VIDEO EQUIPMENT AND SOFTWARE, FOR USE BY THE POLICE DEPARTMENT, FROM WATCHGUARD VIDEO, OF ALLEN ,TEXAS, THROUGH THE STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES (DIR) CONTRACT, IN THE AMOUNT OF \$611,368.47.** Councilmember Smith seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM COLEMAN, COUNCILMEMBERS GETZ, PATE, SAMUEL AND SMITH

NAYS: NONE

MOTION PASSED

Resolution 14 – 243

6. Consider a resolution authorizing an agreement with Lockwood, Andrews, Newman, Inc. for the City of Beaumont Master Drainage Plan.

On November 7, 2013, five (5) proposals were accepted from qualified consulting firms to develop a Master Drainage Plan for the drainage infrastructure within the City limits and update the current City of Beaumont Master Drainage Plan completed in 1981. The purpose of this Master Drainage Plan is to develop an accurate and current understanding of the City's drainage infrastructure and potential solutions to existing drainage problems.

A general description of the scope of work for this project is to develop a comprehensive GIS based drainage infrastructure inventory, inspect and assess structural condition of the storm drain system, develop a master plan of Capital Improvement Projects designed to strategically reduce the risk of flooding and develop an improvement master plan for undeveloped portions of the City to define current drainage patterns and outfalls, recommended infrastructure, future potential ROW and mitigation alternatives or options.

The total cost of the Master Drainage Plan was budgeted at \$1,500,000; however, we are proposing to move forward with Phase I with an estimated cost of \$500,000. Funding is available in the Capital Program.

Approval of resolution.

Councilmember Samuel moved to **APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE AN AGREEMENT WITH LOCKWOOD, ANDREWS, NEWNAM, INC. (LAN), OF HOUSTON, TEXAS, IN AN AMOUNT NOT TO EXCEED \$500,000 TO DEVELOP A MASTER DRAINAGE PLAN FOR THE DRAINAGE INFRASTRUCTURE WITHIN THE CITY LIMITS AND UPDATE THE CURRENT CITY OF BEAUMONT MASTER DRAINAGE PLAN.** Councilmember Pate seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM COLEMAN, COUNCILMEMBERS GETZ, PATE, SAMUEL AND SMITH

NAYS: NONE

MOTION PASSED

Resolution 14 – 244

Mayor Ames read the announcement regarding Executive Session being held at the conclusion of the General Business portion of the meeting.

PUBLIC HEARING

※ Receive comments related to the Juvenile Curfew Ordinance

Public Hearing Open: 2:01 p.m.

None

Public Hearing Closed: 2:01 p.m.

7. Consider readopting the Juvenile Curfew Ordinance.

Texas Local Government Code 370.002 requires that a home-rule municipality which has adopted a juvenile curfew ordinance periodically review the ordinance and its effect on the community and identify any problems with the ordinance or problems the ordinance was intended to remedy. The statute also provides for abolishing, continuing, or modifying the ordinance.

In July 1994 following public review, the City Council adopted Ordinance No. 94-34 which created a new Chapter 9 establishing a curfew for minors. In 1995 Ordinance 95-37 was adopted which modified the curfew hours for minors. The Ordinance has been reviewed and adopted as required, with the latest being in 2011, Ordinance 11-086.

The Curfew Ordinance has been extensively reviewed by the Police Department and determined to be effective in regard to promoting the safety and well being of the city's youngest citizens. Renewal of this ordinance serves to promote the general welfare and protection of the public through the reduction of juvenile violence and crime within the city.

Approval of Ordinance.

Councilmember Pate moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE REVIEWING AND READOPTING ARTICLE 12.03 OF THE CODE OF ORDINANCES ESTABLISHING A CURFEW FOR MINORS; ESTABLISHING HOURS AND DEFINITIONS; PROVIDING A PENALTY CLAUSE; CITING SPECIFIC EXCEPTIONS AND DEFENSES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR REPEAL.** Councilmember Smith seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM COLEMAN, COUNCILMEMBERS GETZ, PATE, SAMUEL AND SMITH

NAYS: NONE

MOTION PASSED

Ordinance 14 – 063

WORK SESSION

- * Review and discuss the proposed Senior Center Project and the Riverfront Improvement Project

Rob Clark with Architectural Alliance, Inc., reviewed and discussed the proposed Senior Center Project. The current site plan was discussed with the skate park, the eLibrary/rooftop café, along with the splash pad, pavilion, landscaping and the connectivity of each on the site plan. The master site plan was discussed which included the same items as in the current site plan with emphasis on parking, which was an important part of the worksession. The floor plan of the facility was discussed as to how each part of the facility would tie into the other and how the floor plan would better serve the citizens that utilize the Best Years Center currently

- * Review and discuss clinical services provided by the Public Health Department

Sherry Ulmer, Health Director discussed clinical services that are provided by the Public Health Department. Ms. Ulmer stated that the Public Health Department has been in conversation with Legacy Health Care Clinic. This clinic receives Federal and State funds. The clinic offers primary care services to patients. The patients have to be offered services on a sliding scale fee, some at no cost at all. The fees are determined according to the patients income. At this time Legacy Health Care is offering adult and pediatric primary care services, mental health, OBGYN and STD services. Legacy Health Care Clinic receives grant funds to offer these services. The grant funding has a criteria that's been established. There's a certain number of patients that Legacy must meet to provide this service through the Federal and State funding. At this time the City's Health Department does the same services that Legacy does, the numbers flowing through the clinic are there but the City doesn't receive grant funding for those services. Legacy Health Clinic is willing to have the services provided by the City routed to their facility as not to duplicate services between the two facilities. If Council were to allow the Health Department to transfer the services currently handled by City staff to Legacy Health Care it would help keep duplication down. Ms. Ulmer stated that the one vacant position that would become open due to this transfer would be eliminated. The other three positions would be absorbed in other clinical areas. Legacy will initially take over handling all services and patients would be rerouted accordingly

* Review and discuss various leave time provided to civilian employees

Lillie Babino, Human Resource Director reviewed and discussed various leave time provided to civilian employees. The current vacation leave accrual is determined by years of services, hours per pay period, hours per year and weeks per year. An employee with 0-4 years of service accrues 3.08 hours per pay period, 80 hours per year and 2 weeks per year. An employee with 5-14 years of service accrues 4.62 hours per pay period, 120 hours per year and 3 weeks per year. An employee with 15-23 years of service accrues 6.15 hours per pay period, 160 hours per year and 4 weeks per year. An employee with 24+ years of service accrues 7.69 hours per pay period, 200 hours per year and 5 weeks per year. Personal leave 0-24+ years of service accrues 1.54 hours per period, 40 hours per year and 1 week per year.

The proposed time would be combined and the term would be Paid Time Off (PTO). An employee with 0-5 years of service would accrue 4.62 hours per pay period, 120 hours per year and 3 weeks per year. An employee with 5-10 years of service would accrue 6.16 hours per pay period, 160 hours per year and 4 weeks per year. An employee with 10-20 years of service would accrue 7.69 hours per pay period, 200 hours per year and 5 weeks per year. An employee with 20+ years of service would accrue 9.23 hours per pay period, 240 hours per year and 6 weeks per year. Leave comparison was discussed compared to the Cities of Nederland and Tyler as well as Jefferson County.

The current ordinance states that employees are advanced two (2) working days of Personal Leave with the first six months of employment. The proposed ordinance revision would allow employees to be advanced five working days of Paid Time Off (PTO) within the first six months of employment. The current ordinance carryover provision allows employees to carryover no more than 240 hours of vacation and 720 hours of personal leave into the next calendar year.

The proposed ordinance revision would allow employees to carryover no more than 960 hours of Paid Time Off (PTO) into the next calendar year.

If approved by Council, the proposed revisions to the ordinance would have an effective date of January 1, 2015.

COUNCILMEMBER COMMENTS

COUNCILMEMBER SMITH -

THANKED THE VETERANS FOR THEIR TIME SERVED PAST AND FUTURE, THANKED HANI TOHME AND BENGY WILLIAMS IN REGARDS TO A CITIZEN THAT WAS LATE GETTING HER TRASH OUT TO THE CURB, SHE THEN SPILLED THE TRASH TRYING TO GET IT TO THE CURB, THE DRIVER OF THE TRUCK WAS GRACIOUS ENOUGH TO GET OUT OF HIS TRUCK, PICKED UP HER TRASH AND EMPTIED IT FOR HER AND SHE WANTED TO MAKE SURE EVERYONE WAS THANKED

COUNCILMEMBER SAMUEL -

THANKED ALL VETERANS AND THEIR FAMILIES, THEY MAKE IT SO THAT WE MAY LIVE IN THESE UNITED STATES OF AMERICA AND FOR THAT HE THANKED THEM

COUNCILMEMBER PATE -

COMMENTED ON VETERANS DAY, THANKED ALL VETERANS FOR THEIR SERVICE TO OUR COUNTRY, COMMENTED ON THE EVENT THAT TOOK PLACE AT FORD PARK, ALSO THANKED THOSE THAT HELPED WITH THE EVENT AT CHICK-FIL-A, MENTIONED THAT THE LAST HOME GAME FOR LAMAR UNIVERSITY WILL BE THIS WEEKEND, ENCOURAGED EVERYONE TO TRY AND ATTEND

COUNCILMEMBER WRIGHT -

ABSENT

COUNCILMEMBER GETZ -

THANKED ALL VETERANS FOR THE SERVICE THEY HAVE GIVEN TO OUR COUNTRY, CONGRATULATED HIS WIFE ALLISON ON HER WIN AS JEFFERSON COUNTY TAX ASSESSOR COLLECTOR AND TO COUNCILMEMBER JAMIE SMITH ON HIS WIN AS DISTRICT CLERK, ALSO COMMENTED ON ROCTOBER FEST, HOPES THAT THIS WILL BE AN ANNUAL EVENT, IT WAS AN EXCITING EVENT AND HAD A LOT OF YOUNG PEOPLE IN ATTENDANCE

MAYOR PRO TEM COLEMAN -

ANNOUNCED THAT NOVEMBER 15TH THROUGH FEBRUARY 15TH IS THE AVAILABILITY FOR ENROLLMENT INTO THE HEALTH CARE PROGRAM, THE COALITION OF PEOPLE WHICH INCLUDES CHRISTUS ST. ELIZABETH, BEAUMONT ENTERPRISE AND NUMEROUS OTHER GROUPS WILL BE SPONSORING TWO FREE EVENTS ON NOVEMBER 15TH, THEY BOTH WILL BE HELD FROM 9:00 A.M. TO 12:00 P.M., ONE HERE IN BEAUMONT AT THE CENTRAL PARK COMMUNITY CENTER, AND ONE FROM 8:00 A.M. TO 4:00 P.M., IN PORT

Jaqi Vickers

7925 Shirelane

Beaumont TX

Spoke with Council in regards to the Best Years Center, asked that Council consider properties other than the downtown area specifically the West End YMCA building or the suggestion that Councilmember Smith had at the L.L. Melton on Sarah St., stated that the parking is a huge problem for her, she stated that she doesn't currently visit the Best Years Center at its present location because it's too far for her to drive and the West End YMCA building is closer to where she resides

Mary Lee

2345 Brickyard Rd.

Beaumont TX

Stated that she was with the Brickyard Neighborhood Association, wanted to speak with Council in regards to the asphalt facility on Dollinger St., stated that there are large pot hole filled streets, dust residue on cars, the heavy trucks are causing damage to the streets, the residents are concerned that the existing nuisance of this facility does little to maintenance or development and encroachment of the area, concerned that the children and older adults will be at risk of respiratory and other health disorders, also concerned about the economic impact of this facility, would like Council to look into this issue

Shirley Watkins

2780 Brenham St.

Beaumont TX

Stated that she is a member of the Brickyard Neighborhood Association, concerned about the asphalt facility that is in her area, she has grandchildren that come to visit her and she's concerned about their health as well as the health of the children that live in the apartment complex that's near the facility

Zack Shelton

P.O. Box 1798

Kountze, TX

Stated that he's a part of the 100 Club, commented on what the 100 Club does, wanted Council to be aware of a fundraiser that the Police Department and the 100 Club will be sponsoring, this event will be held over the weekend on Saturday, November 15, 2014, 8:00 a.m., at Ford Park

Martin Broussard

2495 Long

Beaumont TX

Thanked Council for their service and all that they do, commented on the 17 acre tract of land that was donated where the YMCA shell stands, stated that anything that the City can do to improve the quality of life at the YMCA would be great, anything that Broussard's can do to assist on working on the deed restrictions they would be happy to do, stated that he's totally against another restaurant downtown

Open session of meeting recessed at 3:57 p.m.

EXECUTIVE SESSION

- * Consider matters related to contemplated or pending litigation in accordance with Section 551.071 of the Government Code:

Justin Jackson vs. City of Beaumont; Cause No. B-195,252

Estate of Stanley Leger

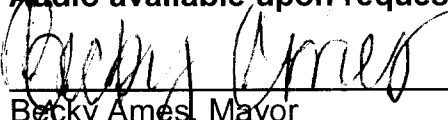
City of Beaumont v. Richard James III and The Sports Society for
American Health

- * Consider matters related to the deliberation of the purchase, exchange, lease or value of real property in accordance with Section 551.072 of the Government Code, to wit:

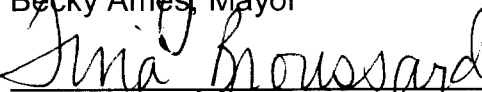
Fair Energy Operations - Beaumont, LLC; Landfill Property Lease

There being no action taken in Executive Session, Council adjourned.

Audio available upon request in the City Clerk's Office.



Becky Ames, Mayor



Tina Broussard, City Clerk

